

REMARKS

Claims 20-26 have been amended in order to delete the phrases "for treating psychosis" and "for treating depression." Applicants, of course, reserve the right to file a continuing application on the same.

Claims 1-13 were in the application as filed. Claim 13 was cancelled and new claims 14-26 were added in the Preliminary Amendment filed on March 6, 2002. Claims 1-12 and 14-26 remain in the application.

Applicants' filed an amendment and response on May 26, 2004 in response to the Final Office Action mailed December 3, 2003. A copy of Applicants' submission is attached for the Examiner's reference. Additionally, Applicants filed a Notice of Appeal in the instant case on May 26, 2004. However, the Request for Continued Examination submitted herewith is being filed in lieu of a Brief on Appeal.

An Advisory Action was mailed on June 9, 2004 stating that Applicants' submission on May 26, 2004 failed to place the application in condition for allowance. The Examiner indicated that, if entered, Applicants' amendments would overcome the 35 USC § 102(a), § 102(e), and § 102(g) rejection of claims 1, 10-11, and 12-20 over Sum et al. and the 35 USC § 103(a) rejection of claims 1-5, 8, 10-11, 14-17, and 20-24 over Sum et al. in view of Steffan et al. set forth in the Final Office Action mailed December 3, 2003.

In view of Applicants' request in the Request for Continued Examination submitted herewith, that the amendment and response that was submitted on May 26, 2004 be entered, withdrawal of the 102/103 rejections is respectfully requested.

The Examiner maintained the 35 USC § 112, second paragraph rejection of claims 20-26 in view of Applicants' amendment and response submitted on May 26, 2004. However, the Examiner kindly suggested that deletion of the phrases "for treating psychosis" and "for treating depression" in claims 20-26 would place these claims in a condition for allowance.

In view of the previously submitted amendments of May 26, 2004 and the amendments submitted herewith deleting the phrases "for treating psychosis" and "for treating depression" from

claims 20-26, it is believed that this rejection is overcome and withdrawal of the § 112, second paragraph rejection is respectfully requested.

There being no remaining issues, this application is believed in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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